IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Court's order whether the case is or not approved for reporting

(Chapter VIII, Rule 32(2) (b)

Description of Case

W.P. No 425 (S/S) of 2001

Date of decision :- 19-9-2006

~~A.F.R. (Approved for Reporting)~~

Not approved for reporting

Date :- 19-9-2006 Initials of Judge

Note:- Bench Reader will attach this at the top of the first page of the judgment when it is put up before the Judge for signature.

HIGH COURT OF UTTARANCHAL, AT NAINITAL

Civil Misc. Writ Petition No. 425 (S/S) of 2001

(Old No. 1853 of 1994)

Pan Singh S/o Sri Bhim Singh Rawat
R/o village Hargarh, P.O. Beena
Meholchori Tehsil Karanprayag
District Chamoli .....Petitioner

Versus

1. State of U.P. through the Chief Secy.
   Council House, Lucknow
2. General Manager, Garhwal Jal Nigam
   62 Race Course Road, Dehradun
3. Executive Engineer, Hill Region
   U.P. Jal Nigam, District Pauri Garhwal
4. Executive Engineer, Jal Sansthan
   Maintenance Div. Chamoli
5. Assttt. Engineer, Garhwal Jal Sansthan
   Karanprayag, District Chamoli .....Respondents

Dated :-19th September, 2006

Mr. N. S. Negi learned counsel for the petitioner.
Mr. Rakesh Thapliyal learned counsel for the respondents.

Hon'ble J. C. S. Rawat, J.

1. By means of this writ petition under section 226 of the Constitution on India, the petitioner has sought the following reliefs:-

(i) issue a writ order or direction in the nature of mandamus directing the respondent nos.2, 4 & 5 to permit the petitioner to work on the post of Beldar/Peon in Class IV post and pay his salary regularly.

(ii) Issue a writ order or direction in the nature of mandamus directing the respondents to regularize the services of the petitioner and to treat the petitioner in regular service in Garhwal Jal Sansthan.

(iii) Issue a writ order or direction in the nature of mandamus directing the respondents to treat the petitioner in service in Jal Sansthan and pay his entire wages including the back wages since May 1992.

(iv) Issue any suitable order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case.

(v) Award the costs of the writ petition to the petitioner.

2. The petitioner's case is that he had been working as Beldar/Peon on the basis of muster roll in Jal Nigam since 25.9.1988. The Government had transferred some of the employees of Jal Sansthan. In pursuance of the order dated 28.11.1990 the petitioner joined his duties as Baldar in Garhwal Jal Sansthan, Chamoli. But, the Jal Sansthan had sent back the petitioner alongwith employees to the Jal Nigam with the objection that these persons were not engaged in accordance with the rules. Jal Nigam had refused to permit the petitioner to work and the services of the petitioner had been transferred from Jal Nigam to Jal Sansthan. Thereafter, the petitioner was not allowed to work either in Jal Sansthan or in Jal Nigam. Feeling aggrieved by this, the petitioner has filed this petition.

3. Heard learned counsel for the parties.

4. It has been alleged in the counter affidavit filed by the respondents that Arun Kumar Joshi and Chandra Pal Singh were also transferred to the Jal Nigam by the impugned order and they preferred a petition No. 1347/1993 before the Allahabad High Court and the

same was dismissed vide order dated 23.07.1999. The said order was challenged by Arun Kumar Joshi before the Hon'ble Supreme Court in S.L.P. No. 14624/1999 and the same was dismissed by the Hon'ble Supreme Court. Chandra Pal had also challenged the impugned order before the Allahabad High Court and the same was decided in terms of the petition No. 1347/1993. This petitioner was not also accepted by Jal Sansthan on the same ground. The services of the petitioner alongwith other persons were not accepted by Jal Sansthan and they were sent back to Jal Nigam on the ground that they were not appointed in accordance with rules. Some of them have preferred a petition before the Allahabad High Court and the same was dismissed vide order dated 23.07.1999. The said order was challenged before the Hon'ble Supreme Court in S.L.P. No. 14624/1999 and the same was dismissed by the Hon'ble Supreme Court.

5. In view of the foregoing discussion, the present case is squarely covered by the aforesaid judgment. Therefore, the petition is devoid of merit and is liable to be dismissed in terms of W.P. No. 1347/1993 (S/S).

6. The petition is dismissed accordingly.

(J.C.S. Rawat, J.)

Dated 19.09.2006

LSR